

Notice of Allowability

Application No.

09/816,764

Examiner

LIEN TM NGO

Applicant(s)

LOWE ET AL.

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment 3/19/04.
2. ☒ The allowed claim(s) is/are 1-11, 13-18, 22-27, 30-40, 43-46 and 48-54.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4/6/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Bob Shaver on 4/6/04.

The application has been amended as follows:

In claim 1, line 11, before "which when", -- which is positioned generally adjacent to said trigger guard of said handgun when fully inserted in said holster body, -- has been inserted; in line 13, term "must" has been deleted, and term -- may -- has been replaced there.

In claim 4, line 12, "a locking tab" has been changed to --the locking tab--.

In claim 15, line 5, "said holster inner sleeve" has been changed to --a holster inner sleeve--.

In claim 18, line 6, "said holster inner sleeve" has been deleted, and --said holster body--has been replaced there.

In claim 35, line 1, "claim 32" has been changed to --claim 34--.

In claim 45, line 14, "must insert" has been changed to --may insert--.

In claim 54, line 14, "must insert" has been changed to -- may insert--.

2. The following is an examiner's statement of reasons for allowance:

In regard to claims 1-3, 6, 7, 22-27, 30, 31 and 50-53, claims 1-3, 6, 7, 22-27, 30, 31 and 50-53 are allowed because the prior art of record does not disclose a handgun holster comprising a release locking tab which is positioned generally adjacent to a trigger guard of the handgun when fully inserted in the holster body; and a finger tube with an axis generally parallel to a long axis of the holster body, enclosing the release locking tab.

In regard to claims 4, 5, 8-11, 13-16, claims 4, 5, 8-11, 13-16 are allowed because the prior art of record does not disclose or suggest a handgun holster comprising a finger tube formed in the holster body, the finger tube being oriented generally parallel to a long axis of the handgun when it is in the holster, the finger tube terminated adjacent to the handgun trigger guard, and the holster body having a locking tab passage for admitting a locking tab through the holster body. The handgun holster further comprising a spring plate assembly having a fixed plate, a first arm which include the locking tab, and a second arm which is attached to the first arm and includes a release tab which is operationally connected to the locking tab.

In regard to claims 17 and 18, claims 17 and 18 are allowed because the prior art of record does not disclose or suggest a handgun holster comprising a finger tube formed in the holster body, the finger tube being oriented generally parallel to a long axis of the handgun when it is in the holster, the finger tube terminated adjacent to the handgun trigger guard, and the holster body having a locking tab passage for an ejection port locking device. The handgun holster further

comprising a spring plate assembly having a fixed plate, a first arm which include a locking tab, and a second arm which is attached to the first arm and includes a release tab which is operationally connected to the locking tab. The locking tab engages an ejection port of the handgun to prevent withdrawal unless released by the release tab.

In regard to claims 32-40, 43 and 44, claims 32-40, 43, 44 and 54 are allowed because the prior art of record does not disclose or suggest a handgun holster comprising a holster body having a passage adjacent the handgun ejection port, and a locking tab configured to move through the passage into engagement with the ejection port until released by a release tab connected to the locking tab.

In regard to claims 45, 46, 48 and 49, claims 54, 46, 48 and 49 are allowed because the prior art does not disclose or suggest a handgun holster comprising a locking tab configured to move into engagement with an ejection port of a handgun when it is inserted to the holster, a release locking tab which is operationally connected to the locking tab, and a finger tube enclosing the release locking tab, with an axis generally parallel to a long axis of the holster body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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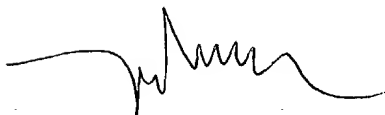
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 703-305-0294. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lien Ngo

April 7, 2004

A handwritten signature in black ink, appearing to be 'Lien Ngo', with a stylized, cursive script.